



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

APR - 2 2014

Mr. James Hosfield  
United States Steel Corporation  
400 State Street  
Clairton, Pennsylvania 15025-1855

**Re: January 10, 2014 – 400 State St., Clairton, Allegheny County, PA**

Dear Mr. Hosfield:

This office has received information that you<sup>1</sup> discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near 400 State St., Clairton, PA ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further

<sup>1</sup>For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.

notice to you.

### **INFORMATION REQUIRED**

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
  - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
  - b. For oils, identify the type and grade;
  - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
  - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.



10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
13. Provide a description and the location of any adjoining shoreline upon which that substance may have reached. In addition, state the quantity of the substance that reached the adjoining shoreline.
14. For all discharges of oil to navigable waters, adjoining shorelines to navigable waters, or to any other water/shoreline, please indicate the following:
  - a. Did you observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please describe your observations;
  - b. Did, to your knowledge, any other person observe from the oil a film, sheen, discoloration or iridescent appearance on the surface or shoreline of any water? If yes, please identify all such persons and describe those observations;
  - c. Did you observe any oil sludge or oil emulsion beneath the surface or on the adjoining shorelines of any water? If yes, please describe your observations;
  - d. Did, to your knowledge, any other person observe any oil sludge or oil emulsion to be deposited beneath the surface or on the adjoining shorelines of any water? If yes, please identify all such persons and describe those observations.
15. Describe any damage to animal life or vegetation that you observed or otherwise have knowledge of.
16. List the name, address, telephone number, and affiliation of any and all persons who made any observations in response to Questions 14 and 15.
17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
22. Describe all steps taken to contain and clean up the spill(s) and to mitigate any environmental damage and/or threat to human health.
23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
28. For production facilities, identify all prior owners and operators of the production facilities.
29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
  - a. date;
  - b. duration of the release;
  - c. substance(s) released;
  - d. the approximate quantity of the substance(s) released;
  - e. the cause of the release;
  - f. the location of the release;



- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
  - i. Whether any persons were provided with an alternative water supply; and
  - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
32. Provide a description of all procedures used to prevent and/or contain spills of substances from the Facility. This description should indicate the tanks, tank cars, tank trucks, or other equipment that are protected by dikes, the amount of material that can be contained by each dike, and the number of tanks, tank cars, tank trucks, and other equipment protected by each dike.
33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: \_\_\_\_\_  
Name (Please print or type): \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
ATTN: PAULA CURTIN (MAILCODE 3HS61)  
1060 CHAPLINE STREET  
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth J. Olhasso', written over the printed name.

Elizabeth J. Olhasso, Acting Associate Director  
Office of Enforcement  
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Ms. Sue Price  
Norfolk Southern Corporation  
1200 Peachtree Street, N.E.  
Atlanta, Georgia 30309

MAR 27 2014

**Re: December 27, 2013 – Mile Post N390, Pocohontas Division, Kimball,  
McDowell County, WV**

Dear Ms. Price:

This office has received information that you<sup>1</sup> discharged oil and/or hazardous substances in quantities that may be harmful in violation of Section 311(b)(3) of the Federal Water Pollution Control Act, 33 U.S.C. § 1321(b)(3) ("the Act") from a facility located at or near Mile Post N390, Kimball, WV ("Facility," as further defined in *Enclosure 1*). Accordingly, the U.S. Environmental Protection Agency (EPA) would like to obtain additional information regarding the alleged incident or incidents and about efforts you have undertaken at the Facility to inhibit spills of oil and/or hazardous substances including whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112.

Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to this request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to \$32,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested

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<sup>1</sup>For purposes of this letter, the term "you" shall refer to an individual, a company, a partnership, a sole proprietorship, or a corporation, whichever is applicable.



information is submitted, EPA may make this information available to the public without further notice to you.

### **INFORMATION REQUIRED**

1. Identify all substances released from the Facility in connection with the above referenced discharge, specifically identify:
  - a. The name and Chemical Abstract Services ("CAS") Number for each substance discharged;
  - b. For oils, identify the type and grade;
  - c. Provide the quantity, concentration of each substance discharged and the method by which the concentration was measured or estimated. For mixtures, provide the name, quantity, and concentration of each constituent of that mixture;
  - d. Provide the solubility and specific gravity of each substance discharged.
2. Describe the physical source (including, but not limited to vehicle, outfall, tank, container, pipe, ditch, conduit, or equipment) at the Facility from which the oil and/or hazardous substance or substances (the term "substance" as used here includes both oils and hazardous substances) initially was discharged on or around the above referenced date. If the substance was discharged from more than one source, please identify each specific source.
3. Provide the total quantity of substance(s) released from the Facility in gallons for oils and in pounds for hazardous substances.
4. List the location of the discharge, including the closest street address, the city, county, state, zip code, and provide the Global Positioning System ("GPS") coordinates.
5. List the starting time, date, and duration of the discharge and the time and date when the discharge entered a waterway.
6. List the time and date of the discovery of the discharge and the person(s) who made the discovery.
7. List the federal and state agencies, if any, to which the owner and/or operator reported the discharge(s), the dates and times on which the reports were made, and the name(s) and title(s) of the person(s) who made the reports.
8. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the Facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.
9. Identify any storm drains or sewers through which the substances flowed, and identify the waters to which those storm drains or sewers subsequently drain. State the actual or estimated quantity of the substance(s) that entered the storm drain or sewer.



10. Identify whether each water identified in response to Questions 8 and 9 was, at the time of the spill, a "navigable water" as defined in *Enclosure 1*, a tributary of a navigable water; and/or physically connected to a navigable water. Identify all such navigable waters by name and identify the type of body of water (e.g. river, stream, lake, creek, or other type of body of water).
11. If no navigable waters are identified in response to Questions 8-10, identify whether the water system at any time connects with or flows into any hydrological system (such as a creek system). If so, identify the flow, extent, and duration of the connection to that system.
12. State the flow in cubic feet per second and the dimensions of each water body described in response to Questions 8 and 9. If there is no gauge station in the vicinity, please estimate the flow and provide the basis for that estimate.
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17. Identify the effect of the spill(s) on any water supply and give details if available (e.g., shutdown of public or private water supply). Provide the names and addresses of all persons that have been provided with an alternative water supply (e.g., bottled water) due to the spill or because of the threatened migration of contamination.
18. Does the facility have a National Pollutant Discharge Elimination System (NPDES) Permit or permit application? If yes, provide the permit number or, if no permit number has been issued at the time, the date upon which the application was filed.

19. If the substance(s) was discharged from an outfall, state whether the outfall was covered by an NPDES permit issued pursuant to Section 402 of the Act.
20. Identify all NPDES or state wastewater discharge permit conditions and/or water quality standards that may have been violated by the spill.
21. Provide a complete description of the cause or causes of the discharge (e.g., pump failure, by-pass of treatment system), as well as any other relevant circumstances. If the discharge was caused by the actions of a third party (for instance, as the result of an accident or vandalism), describe in detail the measures that were in place to prevent such actions. For vandalism, identify any enforcement agencies to which the owner or operator reported the vandalism.
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23. Describe any actions taken or planned to prevent the recurrence of incidents such as the release(s) identified above.
24. List the names, addresses, telephone numbers, and affiliations (e.g., name of governmental agency, contractor, or other entity) of all persons who were on the scene during the incident and/or during cleanup operations, as well as any other persons not present but otherwise believed to have knowledge of the facts surrounding the incident or incidents. For each person identified in response to this question, provide the time period during which they were present at the facility.
25. Provide the date on which operations began at the Facility
26. Provide the name(s) and address(es) of the owner(s) of the Facility.
27. Provide the name and address of the operator(s) of the Facility and describe the relationship between the owner(s) and operator(s) (i.e., employee, subcontractor, lessee, etc.). Identify any persons who concurrently with you exercised actual control or who held significant authority to control activities at the Facility at any time.
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29. Identify any other leaks, spills, or releases of oil and/or hazardous substances into the environment that have occurred from the Facility within the last three years. For each such release, provide the following:
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  - b. duration of the release;
  - c. substance(s) released;
  - d. the approximate quantity of the substance(s) released;
  - e. the cause of the release;
  - f. the location of the release;



- g. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
  - h. The result of any and all investigations of the circumstances, nature, extent or location of the release or threatened release, including the results of any soil and water (ground and surface) testing undertaken;
  - i. Whether any persons were provided with an alternative water supply; and
  - j. All persons with information related to these releases.
30. Describe the storage units at the Facility (*e.g.*, above ground tanks or underground tanks) and provide the types of substance(s) stored and the total storage capacity of each storage unit by name and CAS number.
31. Does the owner/operator of the Facility have in place a Spill Prevention, Control and Countermeasures ("SPCC") plan pursuant to 40 C.F.R. Part 112?
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33. List any other information you wish to bring to the attention of the federal government at this time related to this matter.

Certify the information provided in response to the above questions in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: \_\_\_\_\_

Name (Please print or type): \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

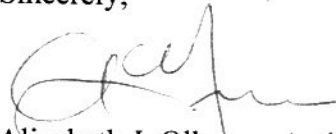
Your response should be mailed within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
ATTN: PAULA CURTIN (MAILCODE 3HS61)  
1060 CHAPLINE STREET  
WHEELING, WV 26003

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

If you have any questions on this matter, please call Paula Curtin at (304) 234-0256.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth J. Olhasso", written over a horizontal line.

Elizabeth J. Olhasso, Acting Associate Director  
Office of Enforcement  
Hazardous Site Cleanup Division

cc: Paula Curtin (3HS61)